# IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

## SPECIAL CIVIL APPLICATION No. 11730 of 1994

**For Approval and Signature:**

**HONOURABLE MR.JUSTICE AKIL KURESHI**

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1 Whether Reporters of Local Papers may be allowed to see the judgment ?

2 To be referred to the Reporter or not ?

3 Whether their Lordships wish to see the fair copy of the judgment ?

4 Whether this case involves a substantial question of law as to the interpretation of the constitution of India, 1950 or any order made thereunder ?

5 Whether it is to be circulated to the civil judge ?

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**MOHANLAL JETHALAL DEVARIYA & 5 - Petitioner(s)**

**Versus**

**CHIEF OFFICER & 1 & 1 - Respondent(s)**

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**Appearance :**

MR SV RAJU for Petitioner(s) : 1,
MR YOGESH S LAKHANI for Respondent(s) : 1,

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**CORAM : HONOURABLE MR.JUSTICE AKIL KURESHI**

**Date : 29/11/2005**

**ORAL JUDGMENT**

1. Essentially what was under challenge in the present petition was an attempt on the part of the respondent to build shops in the area which divided two roads. During

the pendency of the petition, there was an interim protection in favour of the petitioner. Learned advocate Shri Pandya for Shri Raju placed on record communication dated 21/10/2005 received by their office from the briefing advocate. Through the said letter it is conveyed that instead of foot-path and the area which divided the roads, now the road widening work has itself undertaken by the respondent and apparently, therefore, proposal for construction of shops would be dropped. It is pointed out that the road is being developed as a Gaurav path. In view of this development, the issues arising in the present petition have become infructuous. The petition is disposed of accordingly, with a liberty to apply in case of any difficulty. Rule discharged. No order as to costs.

(Akil Kureshi, J.)

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